

The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOE LUJANO BENITEZ,

Defendant.

NO. CR13-5401 BHS

FINAL ORDER OF FORFEITURE

THIS MATTER comes before the Court on motion of the United States for entry of a Final Order of Forfeiture with respect to the following assets:

- (a) .38 caliber ammunition, seized from the residence of Noe Lujano Benitez on April 25, 2013.¹

On March 24, 2014, this Court entered Preliminary Orders of Forfeiture, Docket Entry No. 45, in the above-captioned case forfeiting defendant Noe Lujano Benitez's interest in the above described property.

The above-referenced property is subject to forfeiture pursuant to Title 21, United States Code, Section 853, and Title 18, United State Code, Section 924(d)(1) by

¹ The "Bryco 38," .380 auto handgun with serial number 993918, listed in the Indictment, Docket Entry No. 10, was administratively forfeited on October 29, 2013. The \$22,612.00, listed in the Preliminary Order of Forfeiture, Docket Entry No. 45, was administratively forfeited on March 18, 2014.

1 Title 28, United States Code, Section 2461(c), based on Noe Lujano Benitez's guilty plea
2 to Conspiracy to Distribute 50 Grams or More of a Mixture of Substance Containing
3 Methamphetamine and 100 Grams or More of a Mixture or Substance Containing Heroin,
4 as charged in Count 1 of the Indictment, Docket Entry No. 10, in violation of Title 21,
5 United States Code, Sections 841(a)(1), 841(b)(1)(B), and 846, Felon in Possession of a
6 Firearm, as charged in Count 5 of the Indictment, in violation of Title 18, United States
7 Code, Sections 922(g)(1) and 924(a)(2), and his agreement to forfeit the above described
8 property.

9 Pursuant to Title 21, United States Code, Section 853(n), the United States
10 published notice on an official government forfeiture website, currently
11 www.forfeiture.gov for thirty (30) days beginning March 26, 2014. In the publication the
12 United States published notice of the Preliminary Order of Forfeiture and the intent of the
13 United States to dispose of the property in accordance with law. This notice further
14 stated that any person other than the defendant having or claiming an interest in the
15 property was required to file a petition with the Court within sixty (60) days of the first
16 date of publication, setting forth the nature of the petitioner's right, title, and interest in
17 the property.

18 On or about April 9, 2014, a copy of the Preliminary Order of Forfeiture in the
19 above-captioned criminal case was sent to Priscilla Larrienaga via Certified Mail, Return
20 Receipt Requested, Article Number 7013 2630 0002 3490 1984, through the U.S. Postal
21 Service. The certified mail was returned to the United States as, "UNLCAIMED.
22 UNABLE TO FORWARD." See Certified Letter to Priscilla Larrienaga, **Exhibit A**. A
23 copy of the Preliminary Order of Forfeiture was subsequently mailed to Ms. Larrienaga
24 on July 21, 2014, via first class mail, through the U.S. Postal Service, and it was not
25 returned.

26 All persons and entities believed to have an interest in the property subject to
27 forfeiture were given proper notice of the intended forfeiture.
28

1 No other petitioners have come forward to assert an interest in the forfeited
2 property, and the time for doing so has expired.

3 Accordingly, IT IS ORDERED, ADJUDGED and DECREED that the following
4 property is hereby fully and finally condemned and forfeited to the United States in its
5 entirety:

6 (a) .38 caliber ammunition, seized from the residence of Noe Lujano Benitez
7 on April 25, 2013.

8 IT IS FURTHER ORDERED, ADJUDGED and DECREED that no right, title, or
9 interest in the above-described property shall exist in any other party. The United States
10 Marshals Service is authorized to dispose of the above-listed property in accordance with
11 the law.

12 DATED this 27th day of October, 2014.

13
14
15
16 

17 BENJAMIN H. SETTLE
18 United States District Judge

19 Presented by:

20 s/ Matthew H. Thomas
21 MATTHEW H. THOMAS
22 Assistant United States Attorney
23 United States Attorney's Office
24 1201 Pacific Avenue, Suite 700
25 Tacoma, WA 98402
26 Telephone: (253) 428-3800
27 Facsimile: (253) 428-3826
28 E-mail: Matthew.H.Thomas@usdoj.gov